Remarks

In the Restriction Requirement, claims 1-25, 29-31 were pending, and these claims were restricted to the following Groups:

> I.   Claims 1-9, drawn to facilitating voting, classified in class 705, subclass 12.

> II.   Claims 10-17, drawn to providing a rollout menu that includes hyperlinks to allow a user to select and access information, classified in class 725, subclass 51.

> III.   Claims 18-25, drawn to a first interactive channel bug associated with a first content provider is replaced by the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider, classified in class 715, subclass 764.

> IV.   Claims 29-31, drawn to an interactive bug which is configured to provide information related to available messages, classified in class 725, subclass 40.

Applicants provisionally elect the claims in Group III (claims 18-25), **with traverse**. Applicants have withdrawn the non-elected claims without prejudice or disclaimer. Applicants respectfully submit that the restriction is improper, and request reconsideration and withdrawal of the restriction requirement based on the following.

A.   The Classification and Field of Search is the Same
MPEP 808.02 states:

> Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.

In this case, the classification and field of search is the same and there is no clear indication of separate future classification. On page 3 of the Restriction Requirement, the

Examiner has proposed to classify claims 1-9, drawn to facilitating voting, in class 705, subclass 12, which covers inventions related to data processing: financial, business practice, management, or cost/price determination. More specifically, this subclass covers inventions related to voting or election arrangement. Moreover, the Restriction Requirement proposes to classify claims 10-17, drawn to providing a rollout menu that includes hyperlinks to allow a user to select and access information, in class 725, subclass 51, which covers inventions related to interactive video distribution systems. More specifically, this subclass covers inventions related to an operator interface having a link to an external information resource (e.g., online resource). Meanwhile, the Restriction Requirement proposes to classify claims 18-25, drawn to a first interactive channel bug associated with a first content provider is replaced by the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider, in class 715, subclass 764, which covers inventions related to data processing: presentation processing of document, operator interface processing, and screen saver display processing. More specifically, this subclass covers inventions related to an on-screen workspace or object. Finally, the Restriction Requirement proposes to classify claims 29-31, drawn to an interactive bug which is configured to provide information related to available messages, in class 725, subclass 40, which covers inventions related to interactive video distribution systems. More specifically, this subclass covers inventions related to an operator interface for displaying additional information.

Applicants submit that the Restriction Requirement has improperly classified the claims. Applicants respectfully submit that the correct classification for all of the pending claims should be class 725, subclass 37, which covers inventions related to interactive video distribution systems. More specifically, this subclass covers inventions related to an operator interface. Because all of the claims are tied together with the common theme of using an interactive bug for providing various functionalities, Applicants respectfully submit that this classification is the appropriate one. Given that the claims in Groups I- IV are properly classified in the same class and subclass, the Examiner would not have a serious burden in performing a complete search for all claims. Therefore, the Restriction Requirement is improper.

B.   There is No Serious Search Burden

According to the MPEP 803, "if the search and examination of **>all the claims in an<application can be made without serious burden, the examiner ___must___ examine *>them< on the merits, even though **>they include< claims to independent or distinct inventions." (emphasis added). Moreover, one of the criteria for a proper requirement for restriction is that "there *>would< be a serious burden on the examiner if restriction is >not< required." (See MPEP 803). To provide a proper restriction, the Examiner must state "the reasons >why there would be a serious burden on the examiner if restriction is not required." (See MPEP 808). Applicants submit that there would not be a serious burden on the Examiner to search and examine all of the pending claims identified in the Restriction Requirement. The Restriction Requirement merely states that the claims in each of the groups have a separate utility (See Restriction Requirement, page 4.) Given the search obligations of the Examiner as set forth in the MPEP and the fact that the claims are properly classifiable together (see above), there is no "serious burden" in examining all of the claims. Indeed, if a case such as this one—a case having claims containing many similar claim limitations—presents a "serious burden" on the examiner, it is hard to imagine a case that would not present a "serious burden" when an examiner decides to issue a Restriction Requirement, rendering MPEP § 803 meaningless and superfluous. Accordingly, the Restriction Requirement is improper.

If the Examiner believes that additional discussion and/or amendment would be helpful, the Examiner is invited to telephone Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

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